

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MICHAEL B. B. NYHE, Individually,
Plaintiff,

v.

DARCI D. CECCANTI, et al.,
Defendants.

No. C10-5069 RBL

ORDER DENYING MOTIONS TO
APPOINT COUNSEL AND STAY
PROCEEDINGS

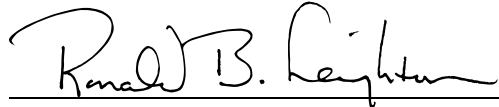
[Dkts. #47, 48]

This matter is before the Court on Plaintiff's Motions to Appoint Counsel, [Dkt. #47], and Stay Proceedings Pending Court's Review of Motion to Appoint Counsel. [Dkt. #48]. Pursuant to 28 U.S.C. § 1915(e)(1), the Court may request an attorney to represent any person unable to afford counsel. Under Section 1915, the Court may appoint counsel in exceptional circumstances. *Franklin v. Murphy*, 745 F.2d 1221, 1236 (9th Cir. 1984). To find exceptional circumstances, the court must evaluate the likelihood of success on the merits and the ability of the petitioner to articulate the claims *pro se* in light of the complexity of the legal issues involved. *Weygandt v. Look*, 718 F.2d 952, 954 (9th Cir. 1983).

Plaintiff has not shown that he is likely to succeed on the merits of the case. *See* [Dkt. #47]. Further, Plaintiff is able to articulate his claims adequately based on his filing of numerous court documents and citation to case law and statutes. *See, e.g.*, [Dkts. #1, 3, 33, 40].

1 Therefore, Plaintiff's Motions to Appoint Counsel, [Dkt. #47], and Stay Proceedings, [Dkt. #48],
2 are **DENIED**.

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4 DATED this 2nd day of December, 2010.

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8 RONALD B. LEIGHTON
9 UNITED STATES DISTRICT JUDGE
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